

Minutes of the Land Use, Parks and Environment Committee - January 21, 2003

The meeting was called to order at 8:30 a.m. by Chair Kolb.

Present: Chair Walter Kolb, County Board Supervisors Pauline Jaske, James Jeskewitz, Scott Klein (arrived --8:53 a.m.), Daniel Pavelko (arrived --8:35 a.m.), Vera Stroud; **Absent:** Matt Thomas

Staff Present: Legislative Policy Advisor Mark Mader, Legis. Associate Sandra Meisenheimer, Internal Audit Manager Lori Schubert

Also Present: Parks and Land Use Director Dale Shaver, Environmental Health (EH) Mgr. George Morris, EH Supervisor Steve Korthof, Solid Waste Supervisor Karen Fiedler, Land Resources Mgr. Perry Lindquist, Planning & Zoning Administrator Dick Mace, Co. Exec. Chief of Staff Jeff Landin, Financial Analyst Andy Thelke, Jay Blankenship, Executive Director of Humane Animal Welfare Society (HAWS); Gene Kramer, Representative from Superior Emerald Park Landfill in Muskego; Diane Georgetta and Michael Morack --Representatives from Natural Resources Conservation Service (NRCS); Karen McNelly (former County Board Supervisor), County Board Supervisors Hank Carlson, Pat Haukohl, and Duane Paulson

Approve Minutes of December 10, 2002

Motion: Jeskewitz moved, second by Stroud, to approve the minutes of 12/10/02. **Motion carried 4-0.**

Pavelko arrived at the meeting.

Read Correspondence

1. Kolb stated that the County Development Plan Amendment Hearing will be on February 18 and will involve meeting jointly with the Park and Planning Commission. This is the committee's regular meeting dates so members should plan on a longer meeting depending on committee business.
2. Color copies of SEWRPC's Summary Presentation on 12/10/02 of the Southeastern Wisconsin Regional Water Supply System Planning Program were distributed.
3. Stroud distributed copies of an article from Wisconsin Counties (July 2002 issue) titled "Animal Cases Eating Up Your Resources? A Humane Officer Can Help."

Klein arrived at the meeting.

Review and Consider Humane Animal Program

Blankenship, Shaver, Morris, and Korthof were present. Shaver stated a couple of years ago Environmental Health Mgr. George Morris had a budget initiative in the EH Division to study the Humane Animal Program with the reason being the change in State law that required humane officer oversight of certain programs dealing with humane animal services. This position is appointed by the unit of government and depending upon the local ordinance can have several powers such as becoming involved with the Rabies Program, Crimes Against Animal Program, and Animals at Large Program. Secondly, there is a public misunderstanding issue as to who is providing the service. Thirdly, from the department's standpoint, the service needs and demands continue to grow.

Shaver stated because of funding priority issues, a position was not incorporated in the 2003 budget. Therefore, Shaver suggested to Executive Finley that the county divest itself from some elements of the program. A letter was sent to Jay Blankenship of HAWS saying the county would not be doing certain things and suggested a county initiative to transition some elements of the Humane Animal

Program to HAWS, such as the Dogs at Large Program, Crimes Against Animals, and Humane Officer Authorization. However, as detailed in Blankenship's letter of November 11, 2002, HAWS is not willing to take on the responsibility of providing this service unless the county is willing to allocate enough funding to support the operation of the program. Along committed discussion continued.

Klein stated the last time this issue was taken up there were two options being considered – the first was HAWS and the other was funding the Parks and Land Use Department to do it. Shaver said the program continues to increase in demands and service, and they haven't funded the increased services so that it is coupled with the law change. Shaver stated the question before the committee today is do you want to go down this road of funding or do you want to get out of some of this? Shaver said something has to be done because they are in violation of State law. Jaske said the real issue is how do we pay for it. It was suggested to pay for it out of licensing fees.

Kolb allowed Supervisor Haukoil to speak. Haukoil stated she recalls in the past session of the County Board, the Finance and Land Use Committees by consensus or voted for a new position of Humane Animal Officer using the dog license fee. This is not a tax issue because it would be using municipal contracts or dog licensing fees. There is a hodge-podge of services out there among 37 municipalities. Why not continue with an outstanding program, allow the staffing and do it right? Kolb stated his question is why do we have to move certain responsibilities to the county level if, in fact, this is being handled by the municipalities with the exception of what the county is doing now? Klein stated what you're saying is those communities who rely on the county for these services would have to do it on their own so they will have to train someone. Will that be less expensive than the county doing it? No. Kolb said they would have more control though. Klein said maybe they don't want more control. Kolb said is it that much of a priority to hire another person? Klein said it will not affect the budget.

Blankenship stated traditionally the county has always provided this service. The municipalities have not with a couple of exceptions. County staff receive over 4,000 complaints a year of animal abuse and neglect cases and did over 1,000 investigations in 2002. The municipalities are not prepared, able to or have the resources to respond to those kinds of complaints. Also, police officers are not trained to handle animal abuse and neglect cases but actually could be trained. However, regarding cost, the most efficient way to provide this service is with a county program which would cost \$40,000. If HAWS started the program from scratch, the first year it would cost \$200,000, and every year thereafter about \$145,000.

Kolb allowed former Supervisor McNelly to speak. McNelly said there are some good ideas on the table, and she encouraged the committee to move forward. She stated if the county can provide a better, more cost effective and efficient service, then it is the county's responsibility.

Motion: Klein moved, second by Jaske, to draft an ordinance to add a position for \$40,000 which is a tax levy neutral to be funded by a surcharge on dog license fees.

Blankenship stated there was a study done on serial killers. Not every animal abuser turns into a murderer but 100% of serial killers have abused animals when they were kids. The research is overwhelming that animal abuse leads to violence later in life. Early intervention can stop the cycle. This is a quality of life issue for this county.

Jaskecalledforthequestion,Jeskewitzseconded.Motioncarried6 –0.

Motion: Jeskewitzmoved,secondbyJaske,toamendandaddthattheHumaneAnimalOfficer shouldhavetheabilitytofine.Kolbindicateditisunfairthat20%ofthedogownerspayforthe wholeprogram .**Onthemotiontoamend,motioncarried6 –0.Ontheoriginalmotion, motioncarried5 –1;Kolbvotingno.**

SolidWasteAssociationofNorthAmerica(SWANA)AwardPresentationbyOnyx(Superior) EmeraldParkLandfill

GeneKramerwaspresenttoapprisethecommitteeoftheawardreceivedbyOnyx(Superior) EmeraldParkLandfill.Hepassedaroundtheawardforthecommitteetosee,andhealso distributedahandoutwhichexplainssthe landfill,locatedinMuskego,aswellasotherareassuchas leachate,gasmonitoringandburning,otherair –qualityissues,odoranddebriscontrols,and groundwaterprotection.

LakeManagementDistrictUpdate

KarenMcNellygaveanoverviewandbackgroundinformationon lakemanagementdistricts.She distributedahandouttitled“WhatisaLakeDistrict?”andexplainedthepurposeandformation, whoisincludedintheboundaries,andhowadistrictisrun.McNellyalsogaveanupdateonthe threelakemanagement districtssheserveson –PhantomLake,EagleSpringsLake,and SpringbrookLake.

Motion: Stroudmoved,secondbyJeskewitz,toapproveattendanceforKarenMcNellytothe25th AnnualWisconsinLakesConventioninGreenBayonApril10 –12,2003.The registrationfee beforeJanuary10is\$145;afterJanuary10 –\$165. **Motioncarried6 –0.**

ParticipationintheTownandCountryResourceConservationandDevelopment(RC&D) Council

LindquistintroducedDianeGeorgettaandMichaelMorackofTownandCountryRC&D,whichis anon -profitcorporationdedicatedtothedevelopmentandconservationofourregion’sresources andiscommittedtoimplementingprojectsrequestedbythepeopleofsoutheastWisconsin. Georgettagaveapowerpoint,asthecommittee askedquestions,whichincludedthefollowing topics:summaryofactivities,thearea(13counties),themission,commitmentto“noduplication”, theirgoals,theprogram,examplesofprojectsconducted,currentorganization,andwhatwill contributetoitsuccess.Acopyofthepowerpointisfiledinthecommitteecorrespondencebook.

ReportontheWisconsinLandandWaterConservationAssn.(WLWCA)ConferenceHeldin ManitowoconDecember4 –6,2002

Lindquistgaveabriefupdateontheconference. Hestatedthattheresolutionswereactedonand thereweren’tanybigsurprises.RegardingResolution#7relatingtosustainableagriculture, WalworthCountytriedtoaddsomelanguageaboutpreservingtheircountyfarm,whichhasbeen goingonforabout 50years,butthisamendmentfailed.Thetworesolutionsthatthecommittee votedagainst --#5(ModifyingtheFormatofPosterandSpeakingContest)and#8(Supporting FederalLegislationtoProtectFreshWaterResourcesoftheGreatLakes)bothpassed. Also,the threecandidateshatthecommitteevotedfortoserveontheWisconsinLand&Water ConservationBoardwerealldefeated.Oneissuediscussedquiteabitwastheimplementationof thenon -pointperformancestandards.Fundingisthebigissue .Lindquiststatedthatthewasoneof

thepresentersattheconferenceanddiscussedthetopic -- "TheChangingInstitutionsofLand
ConservationCommitteesandDepartments."

**ConsiderProposedOrdinance:157 -O-104 AmendtheDistrict ZoningMapoft heTownof
OconomowocZoningOrdinanceby ConditionallyRezoningCertainLandsLocatedinPartoftheNE
1/4andSE1/4oftheSE1/4ofSection27,T8N,R17E,TownofOconomowoc,fromtheA -TAgricultural
LandPreservationTransitionDistrictto theB -2LocalBusinessDistrict(ZT -1439)**
MaceexplainedtheordinancewhichisproposingtheB -2LocalBusinessDistrictfor12.5acres
locatedatthesouthwestcornerofCTH“Z”andCTH“P”.Theproposedlanduseisfor
commercial-typeuses,withthep ossibilityofapotentialgrocerystoreandstripmallbeing
developed.ThePlanningstaffisrecommendingapprovaloftherezoninginaccordancewiththe
TownofOconomowocBoardactionwhichidentifiessevenconditions,asoutlinedinthestaff
recommendation.

Kleinaskedwhyiscommercialconsideredabetterusethanresidentialforthislocation?Mace
wentontoexplainthesurroundingareaandhowitisbeingdeveloped.Hestatedin1993the
countyhelpedtheTownwiththeirdevelopmentplan.Kl einstatedtheproliferationofallofthese
stripmallsisnonsense.Hestatedhedidn’tknowwhyallthestripmallswerebeingallowedwhen
halfofthemendupbeingvacantafterawhile.

Motion: Jeskewitzmoved,secondbyPavelko,toapprovePropo sedOrdinance157 -O-104.
Motioncarried5 -1;Kleinvotingno.

**ConsiderProposedOrdinance:157 -O-105 AmendtheTownofDelafieldDistrictZoningMapandthe
WaukeshaCountyShorelandandFloodlandProtectionOrdinanceDistrictZ oningMap,oft heTown
ofDelafieldbyConditionallyRezoningCertainLandsLocatedinOutlot6,DoverBayII,andPartof
theSW1/4ofSection23,andtheNW1/4ofSection26,T7N,R18E,TownofDelafield,Waukesha
County,Wisconsin,fromtheA -1AgriculturalDistrict(Town)totheA -3SuburbanDistrict(Town)
andtoEstablishanA -3SuburbanHomeDistrict(Shoreland)(SZT -1458)**
Maceexplainedtheordinance,whichwillrezonethesouthwesternsixacresofapproximately40
acrestoA -3SuburbanHomeDistrict requiringaminimumlotsofsizeoftwoacresandaminimum
averagewidthof200’(Town)and175’(County).Theremaining34acreswillbezonedA -2Rural
HomeDistrictrequiringaminimumlotsofsizeoftwoacresandaminimumaveragewidthof200’
(Town).The requesteduseistodivideasix -acreportionofthepropertyintothreetwo -acresingle
familyresidentialparcelsandtoretaintheexistingstructuresontheremaining34acreparcel.The
landdivisionwillrequirebothTownandCountyapproval.The Towndoesnotfeelitisnecessary
torezonetheremaining34acresatthistimeand,therefore,didnotapprovehatportionofthe
request.Planningstaffisrecommendingapprovaloftherequestasitisinaccordancewiththe
Town’sdecisionrelativet othismatter,whichisanintegralpartofthisapproval.

Motion: Jeskewitzmoved,secondbyKlein,toapproveProposedOrdinance157 -O-105.**Motion
carried6 -0.**

**ConsiderProposedOrdinance:157 -O-106 AmendtheZoningDistric tMapoftheTownofEagle
ZoningOrdinanceandtheWaukeshaCountyShorelandandFloodlandProtectionOrdinanceDistrict
ZoningMapoft heTownof Eagle,byConditionallyRezoningCertainLandsLocatedinPartofthe
SW1/4oftheNW1/4andtheW1/2oftheSW 1/4ofSection31,T5N,R17E,TownofEagle,Waukesha
County,Wisconsin,fromtheAPgriculturalLandPreservationDistrict(TownandCounty)totheA -
2RuralHomeDistrict(TownandCounty)(SZT -1465)**

Mace explained the ordinance which is proposing rezoning of 81.25 acres to the A -2 Rural Home District to allow for a single -family residential subdivision of 15 lots, with an average of 5.04 acres per lot. Mace stated that the site is fairly level although there is some decent terrain in several areas. Mace said this piece, in his opinion, would have been much better developed as a cluster. Stroud agreed. Mace said the Town has a standard in their planned unit development that even if there is a cluster there has to be at least two acres. What is happening in the overall area is there isn't much of a farming community left.

Motion: Jeskewitz moved, second by Pavelko, to approve Proposed Ordinance 157 -O-106.
Motion defeated 5 -1; Kolb voting yes.

Motion: Pavelko moved, second by Jeskewitz, to reconsider Proposed Ordinance 157 -O-106.
Motion carried 6 -0.

Motion: Pavelko moved, second by Jeskewitz, to refer Proposed Ordinance 157 -O-106 back to the Town of Eagle with the recommendation to amend their Land Use Plan to bring development into conformance with their plan.

Mace stated his recommendation would be to rectify or resolve the issue with the conflict in their townland use plan. Secondly, encourage them, if they are so inclined to modify their land use plan to be consistent with the county's land use plan, to require the development of this parcel to be a cluster in order to preserve as much of the good farmland as possible to remain in tillage, and to consider changing their ordinance to allow smaller cluster lots than the present ordinance requires.
Motion carried 6 -0.

Consider Proposed Ordinance: 157 -O-107 Amend the Waukesha County Shoreland and Floodland Protection Ordinance of the Town of Lisbon, by Conditionally Rezoning Certain Lands Located in Part of the SW 1/4 of Section 11, T8N, R19E, Town of Lisbon, from the A -1 Agricultural land A -E Exclusive Agricultural District to the R -1 Residential and C -1 Conservancy Districts (SZ -1466)
Mace explained the ordinance, which proposes rezoning the subject lands so they are consistent with the Town's zoning classifications (R -2 and Conservancy) and the Waukesha County Development Plan in order to develop residential lots on the property. The petitioner may consider county acquisition of the conservancy lands at some point in the future. Planning staff is recommending approval.

Motion: Pavelko moved, second by Jeskewitz, to approve Proposed Ordinance 157 -O-107.
Motion carried 6 -0.

Motion to adjourn: Jaskew moved, second by Jeskewitz, to adjourn the meeting at 12:45 p.m.
Motion carried 6 -0.

Respectfully submitted,

Pauline T. Jaske
Secretary

/sm